



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE 650.463.8100
FAX 650.463.8400
A LIMITED LIABILITY PARTNERSHIP

July 14, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

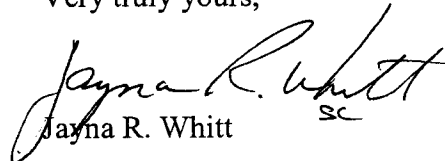
Re: *Synopsys, Inc v. Ricoh Company, Ltd.*
Case No. CV 03-02289 MJJ (MCC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

I write regarding your letter of July 9, 2004, enclosing a subpoena directed to Dr. Thaddeus Kowalski. As you are aware, the Court informed the parties during the conference earlier today that it would not rely on any extrinsic evidence. Further, in the event the Court determines at a later date that reliance on extrinsic evidence is appropriate, the Court will notify the parties and provide an opportunity to conduct discovery.

In light of the Court's statements, a deposition of Dr. Kowalski at this time would be premature. We thus request that you withdraw the subpoena. Please let me know before the close of business tomorrow, July 15, 2004, whether you agree to withdraw the subpoena.

Very truly yours,


Jayna R. Whitt ^{SC}

cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.



301 RAVENSWOOD AVENUE
 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 14, 2004

TO:

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____
2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____
3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____
4. NAME: _____ COMPANY: _____
 CITY: _____ FAX #: _____ PHONE #: _____
5. NAME: _____ COMPANY: _____
 CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Susan Crane for Jayna Whitt
 DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

NUMBER OF PAGES, INCLUDING COVER: 2 CHARGE NUMBER: 06816.0060.000000

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

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IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8103.

* * * COMMUNICATION RESULT REPORT (JUL. 14. 2004 6:28PM) * * *

FAX HEADER 1:
FAX HEADER 2:TRANSMITTED/STORED : JUL. 14. 2004 6:25PM
FILE MODE OPTION

ADDRESS

RESULT

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2/2REASON FOR ERROR OR LINE FAIL
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION301 RAVENSWOOD AVENUE
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SUPPLEMENTAL MESSAGE:

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A LIMITED LIABILITY PARTNERSHIP

July 16, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

Re: *Synopsys, Inc v. Ricoh Company, Ltd.*
Case No. CV 03-02289 MJJ (MCC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

This letter follows up on my letter of July 14, 2004, regarding our request that Ricoh withdraw the subpoena directed to Dr. Thaddeus Kowalski. In my letter of July 14, 2004, I requested a response by the close of business yesterday. I left you a voice mail earlier today but have not yet heard back from you. If Ricoh does not agree in writing to withdraw the subpoena by Monday morning, we will schedule a conference with Magistrate Chen as soon as possible to resolve the dispute.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt".
Jayna R. Whitt

cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.
Kenneth Brothers, Esq.



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 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 16, 2004

TO:

1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u> PHONE #: _____
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u> PHONE #: _____
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u> PHONE #: _____
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u> PHONE #: _____
5. NAME:	_____	COMPANY:	_____
CITY:	_____	FAX #:	_____ PHONE #: _____

FROM: NAME: Susan Crane for Jayna Whitt

DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

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* * * COMMUNICATION RESULT REPORT (JUL. 16. 2004 3:44PM) * * *

FAX HEADER 1:
FAX HEADER 2:TRANSMITTED/STORED : JUL. 16. 2004 3:41PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

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G3 : 2#282#912129979880OK
OK2/2
2/2REASON FOR ERROR OR LINE FAIL
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 16, 2004

TO:

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2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

4. NAME: Kenneth W. Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

5. NAME: _____ COMPANY: _____
CITY: _____ FAX #: _____ PHONE #: _____

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DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

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SUPPLEMENTAL MESSAGE:

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D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 828-4821

E-Mail Address: WeinsteinM@dsmo.com

July 19, 2004

Via E-Mail and US Mail

Jayna R. Whitt, Esq.
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)
Synopsys v. Ricoh Case No. CV 03-2289 MJJ (EMC)
Your Ref.: 06816.0060.000000
Our Ref.: R2180.0171

Dear Jayna:

In response to your letter of July 16, 2004, we decline your request to withdraw the subpoena directed to Dr. Kowalski and expect your full compliance with the subpoena. Further, we believe that your clients (including your firm) are obligated to produce all documents and communications between or among Dr. Kowalski, your clients and your firm. We expect that you will produce all communications with Dr. Kowalski, including emails, by the return date of July 30, 2004.

We agree that you bear the burden of seeking a protective order. Pursuant to Magistrate Judge Chen's instructions, please forward to us your portion of a joint letter, and we will provide our response.

Very truly yours,



Michael A. Weinstein

cc: Gary Hoffman, Esq.
Edward A. Meilman, Esq.
Kenneth Brothers, Esq.
Jeffrey Demain, Esq.

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

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MENLO PARK, CA 94025-3434
PHONE 650.463.8100
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July 20, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

RE: Synopsis, Inc v. Ricoh Company, Ltd.
Case No. CV 03-02289 MJJ (EMC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)

Dear Michael:

This letter responds to your letter of July 19, 2004, regarding Ricoh's subpoena directed to Dr. Thaddeus Kowalski. We are surprised that you would force us to move for a protective order on this issue given Judge Jenkins' comments during the status conference last Wednesday, July 14, 2004.

In light of the Court's comments, we strenuously disagree that Ricoh is entitled to any discovery from Dr. Kowalski at this time, including document production and deposition. Therefore, we will send our portion of a joint letter to you by the close of business tomorrow, July 21, 2004, and expect that you will provide your portion of a joint letter to us by the close of business on Thursday, July 22, 2004. We reserve the right to modify our portion of the joint letter in response to your portion, and then we will file it with the Court on Friday, July 23, 2004. Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt".

Jayna R. Whitt

cc: Edward A. Meilman, Esq.
 Gary M. Hoffman, Esq.
 Kenneth Brothers, Esq.



301 RAVENSWOOD AVENUE
 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 20, 2004

TO:

1. **NAME:** Michael A. Weinstein, Esq. **COMPANY:** Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC **FAX #:** (202) 887-0689 **PHONE #:** _____

2. **NAME:** Edward A. Meilman, Esq. **COMPANY:** Dickstein Shapiro Morin & Oshinsky
CITY: New York, NY **FAX #:** (212) 997-9880 **PHONE #:** _____

3. **NAME:** Gary M. Hoffman, Esq. **COMPANY:** Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC **FAX #:** (202) 887-0689 **PHONE #:** _____

4. **NAME:** Kenneth W. Brothers, Esq. **COMPANY:** Dickstein Shapiro Morin & Oshinsky
CITY: Washington, DC **FAX #:** (202) 887-0689 **PHONE #:** _____

5. **NAME:** _____ **COMPANY:** _____
CITY: _____ **FAX #:** _____ **PHONE #:** _____

FROM: **NAME:** Susan Crane for Jayna Whitt

DIRECT DIAL NUMBER: (650) 463-8124 **USER ID:** 4099

NUMBER OF PAGES, INCLUDING COVER: 2 **CHARGE NUMBER:** 06816.0060.000000

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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

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IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8103.

* * * COMMUNICATION RESULT REPORT (JUL. 20. 2004 2:23PM) * * *

FAX HEADER 1:
FAX HEADER 2:TRANSMITTED/STORED : JUL. 20. 2004 2:19PM
FILE MODE OPTION

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 E-1) HANG UP OR LINE FAIL
 E-3) NO ANSWER
 E-5) MAIL SIZE OVER

E-2) BUSY
 E-4) NO FACSIMILE CONNECTION



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 MENLO PARK, CA 94025-3434
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FACSIMILE COVER SHEET

DATE: July 20, 2004

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 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____
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D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 828-4821

E-Mail Address: WeinsteinM@dsmo.com

July 21, 2004

Via Facsimile and US Mail

Jayna R. Whitt, Esq.
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)
 Synopsys v. Ricoh Case No. CV 03-2289 MJJ (EMC)
 Your Ref.: 06816.0060.000000
 Our Ref.: R2180.0171

Dear Jayna:

The schedule which you have sought to impose on us in your letter of July 20, 2004 is unreasonable and unacceptable. It will not be followed.

We will prepare and provide you in a timely fashion with our portion of the joint letter (including an observation that you have failed to even seek to have a meet and confer). Obviously, until we receive your portion of the joint letter, we cannot even estimate how long it will take us to prepare our response.

Your letter also states that you intend to modify your portion of the joint letter if you see fit and then file the joint letter with the Court. That is also unacceptable. Both sides must have finalized their portions in response to the other side's portion before the letter is properly designated as a "joint" letter.

Very truly yours,



Michael A. Weinstein

cc: Gary Hoffman, Esq.
 Edward A. Meilman, Esq.
 Kenneth Brothers, Esq.
 Jeffrey Demain, Esq.

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

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**FAX TRANSMISSION****DICKSTEIN
SHAPIRO
MORIN &
OSHINSKY
LLP****DATE:** July 21, 2004**CLIENT NO.:** R2180.0171**MESSAGE TO:** Jayna R. Whitt, Esq.**COMPANY:** Howrey Simon Arnold & White, LLP**FAX NUMBER:** (650) 463-8400**PHONE:** (650) 463-8100**FROM:** Michael A. Weinstein**TIMEKEEPER NO.:** _____**PHONE:** (202) 828-4821**PAGES (Including Cover Sheet):** 2 **HARD COPY TO FOLLOW:** x YES NO**SENT BY:****DATE/TIME:****MESSAGE:**

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July 21, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

***RE: Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)***

Dear Michael:

This responds to your letter of earlier today regarding Dr. Kowalski's motion for a protective order. In light of my letters to you as well as my voice mail seeking a response to our request that Ricoh withdraw its subpoena and your written response unequivocally insisting on compliance absent a protective order, we do not understand how you can claim that we failed to meet and confer. If you believe we can reach an agreement regarding this matter, I am available for a telephone conference this afternoon.

Additionally, we are surprised that you will not comply with our proposed schedule for a joint submission to Magistrate Chen. We proposed an expedited schedule in order to seek resolution of the disagreement before the dates set forth in the subpoena to Dr. Kowalski. If you would like to extend the schedule, then you must agree to withdraw the subpoena. If you do not withdraw the subpoena pending resolution of the matter or agree to proceed with our schedule, we will submit our letter to Magistrate Chen tomorrow, July 22, 2004, without your position.

With respect to our reservation to amend our portion of the joint letter, we do not agree with your objection. As the moving party, we would be entitled to a reply brief. Please let me know promptly (and by the end of the day at the latest) whether you agree to proceed with the schedule set forth in my letter of July 20, 2004.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt". The signature is stylized and cursive.

Jayna R. Whitt

cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.
Kenneth Brothers, Esq.

MEMORY TRANSMISSION REPORT

TIME : JUL-21-2004 02:33PM
 TEL NUMBER : 650-463-8400
 NAME : HOWREY

FILE NUMBER : 922
 DATE : JUL-21 02:32PM
 TO : 2#112#912028870689#
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 START TIME : JUL-21 02:32PM
 END TIME : JUL-21 02:33PM
 SENT PAGES : 002
 STATUS : OK

FILE NUMBER : 922

*** SUCCESSFUL TX NOTICE ***



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 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

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DATE: July 21, 2004

TO: NAME: Michael A. Weinstein, Esq.
 COMPANY: Dickstein Shapiro Morin & Oshinsky, LLP
 FAX NUMBER: (202) 887-0689 PHONE NUMBER: _____
 CITY: Washington, D.C.

FROM: NAME: Jayna R. Whitt, Esq.
 DIRECT DIAL NUMBER: (650) 463-8157 USER ID: 1699
 NUMBER OF PAGES, INCLUDING COVER: 2 CHARGE NUMBER: 06816.0060

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NAME:	<u>Michael A. Weinstein, Esq.</u>		
COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky, LLP</u>		
FAX NUMBER:	<u>(202) 887-0689</u>	PHONE NUMBER:	<u></u>
CITY:	<u>Washington, D.C.</u>		
FROM:			
NAME:	<u>Jayna R. Whitt, Esq.</u>		
DIRECT DIAL NUMBER:	<u>(650) 463-8157</u>	USER ID:	<u>1699</u>
NUMBER OF PAGES, INCLUDING COVER:	<u>2</u>	CHARGE NUMBER:	<u>06816.0060</u>
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TIME : JUL-21-2004 02:38PM
 TEL NUMBER : 650-463-8400
 NAME : HOWREY

FILE NUMBER : 923
 DATE : JUL-21 02:37PM
 TO : 2#092#912129979880#
 DOCUMENT PAGES : 002
 START TIME : JUL-21 02:37PM
 END TIME : JUL-21 02:38PM
 SENT PAGES : 002
 STATUS : OK
 FILE NUMBER : 923

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 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 21, 2004

TO:

1. NAME:	<u>Edward A. Meilman</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>
		PHONE #:	<u>(212) 835-1400</u>
2. NAME:	<u>Gary M. Hoffman and Kenneth Brothers</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>
		PHONE #:	<u>(202) 785-9700</u>
3. NAME:		COMPANY:	
CITY:		FAX #:	
		PHONE #:	
4. NAME:		COMPANY:	
CITY:		FAX #:	
		PHONE #:	
5. NAME:		COMPANY:	
CITY:		FAX #:	
		PHONE #:	

FROM: NAME: Jayna R. Whitt, Esq.

DIRECT DIAL NUMBER: (650) 463-8169 USER ID: 1699

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MEMORY TRANSMISSION REPORT

TIME : JUL-21-2004 02:39PM
 TEL NUMBER : 650-463-8400
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FILE NUMBER : 924
 DATE : JUL-21 02:38PM
 TO : 2#680#912028870689#
 DOCUMENT PAGES : 002
 START TIME : JUL-21 02:38PM
 END TIME : JUL-21 02:39PM
 SENT PAGES : 002
 STATUS : OK

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DATE: <u>July 21, 2004</u>	
TO:	
1. NAME: <u>Edward A. Meilman</u>	COMPANY: <u>Dickstein Shapiro, et al.</u>
CITY: <u>New York, NY</u>	FAX #: <u>(212) 997-9880</u> PHONE #: <u>(212) 835-1400</u>
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CITY: <u>Washington, DC</u>	FAX #: <u>(202) 887-0689</u> PHONE #: <u>(202) 785-9700</u>
3. NAME: _____	COMPANY: _____
CITY: _____	FAX #: _____ PHONE #: _____
4. NAME: _____	COMPANY: _____
CITY: _____	FAX #: _____ PHONE #: _____
5. NAME: _____	COMPANY: _____
CITY: _____	FAX #: _____ PHONE #: _____
FROM: NAME: <u>Jayna R. Whitt, Esq.</u>	
DIRECT DIAL NUMBER: <u>(650) 463-8169</u>	USER ID: <u>1699</u>
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,

Plaintiff,

v.

RICOH CO., LTD.,

Defendant.

No. C-03-2289 MJJ (EMC)

No. C-03-4669 MJJ (EMC)

**ORDER RE TIME-SENSITIVE
DISPUTES REGARDING SCOPE OF
DISCOVERY AND UPCOMING
DEPOSITIONS IN JAPAN**

RICOH CO., LTD.,

Plaintiff,

v.

AEROFLEX, et al.,

Defendants.

On May 13, 2004, the Court held a conference call in the above-referenced cases and hereby orders as follows.

1. Based on guidance provided by Judge Jenkins, the Court confirmed for the parties that, as a general matter, discovery in the case is for the time being limited to claims construction only and that discovery regarding liability issues (*e.g.*, infringement, invalidity) will be addressed after the *Markman* hearing.

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2. The Court ordered, and the parties agreed, that the depositions of Mr. Oka, Mr. Takada, and Mr. Nakayma shall be deferred; that the deposition of Mr. Kobayashi in Japan shall proceed; and that, because of expense and efficiency reasons, the deposition of Mr. Kobayashi shall be permitted to cover not only claims construction issues but also liability issues. This is the only exception that the Court has permitted to date with respect to paragraph 1, *supra*.

Dated: May 13, 2004